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Previous references.

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GENERAL AND REVENUE SECRETARIAT.

Serial No. 1

Major ~~Part~~ B for ~~18~~ July 1876.

SUBJECT.

Employment ~~Appointment~~ of the Public Prosecutors in Govt Cases

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1876

From The Secretary Chief Engineers Deputy

To

Secretary to Chief Commissioner,
General Department.

Court

Dated 1st July 76

Despatched

Received 8

3716

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ENCLOSURES NO

General No. 1169 } 1876—7 77
No.

Requests further instructions
regarding the employment of
Public Prosecutors in Govern-
ment Cases.—

Copy as to Chief Engineers

Copy communicated to the
Secretaries:

Para 11 - Under Sect 5 of Cpc
it would be necessary
that the appt of the Pub Prosecutr
to be in Chandernagore other
to act in other than
Municipal Cases, which notified
The Commr. Municipal Council
as to how far the Pub Prosecutr
of the P. Pros. will attend to taking
up the such cases - which he then
replied would be required to
Depts with expense when / are

No 1169.

Central Office

Bangalore 17th July 1876.

From

Lieutenant Colonel R. R. Johnson

Temporary Chief Engineer of Mysore

To

The Secretary to the

Chief Commissioner of Mysore,

General Department

Sir,

I have the honor to acknowledge receip of copies of the Proceedings of the Chief Commissio No 3502 - Judl 33, dated 8th July 1876, passing orders on the subject of my letter No 1103 dated 14th June 1876, regarding the employment of the Public Prosecuto and with reference thereto, to state that further instructions on the matter appear still to be required.

II The proceedings refer only to the Public Prosecutor in the Bundidroog Division - orders are requested as to the course to be followed in the other Divisions - The proceedings state that his services are to be made available when required

Under s 57 of the Cr. P.C. the appointment of Pub Pros - ends with Local Govt - It will be necessary to notify under s 58 that no Sessions is appointed Pub Pros for all cases through out the Mundidroog Div - A similar Notification will have the same for the other Divns also - 21/7/76

required for the conduct of cases arising in connection with all Departments, but add that his services will be granted only in special cases at the discretion of the Sessions Judge.

III For the guidance of the Officers of this Department, I shall feel obliged if you will inform me if it is compulsory on them to apply for the services of the Government Prosecutor in the first instance, in all cases Criminal or Civil, or in Criminal cases only, or if they are permitted in Criminal cases, in which delay might entail failure in conviction, to employ other legal assistance. In Civil cases, such as breaches of Contract, there is generally time to make the requisite application, but in Criminal cases, such as fraudulent measurements &c, it is generally important, in order to obtain a conviction, that a case should be taken up & without delay.

IV. I have further to request orders as to whether, when legal* advice is required in Criminal Cases, Executive Engineers can apply for it to the Public Prosecutor. & Magistrates, Judges and others decline to

* application for legal advice should be restricted to cases of a specially important character

The under Sec 270 Cr. P. C. applicable to the Public Prosecutor attached to the Sessions Court

For Prosecution Services are available in Criminal cases in the Sessions Court

Application for the Services of the Public Prosecutor in the Sessions Court should be made in writing when practicable

In Civil Cases the Executive Engineer should engage a Pleader

Bangalore 17th July 1876

Sessions Cases will as a rule have to be taken up by the Pub. Pros. In other cases, where the services of the Pub. Pros. cannot be readily had during his absence with the Sessions Judge during the months tours, the Head of the Dept may lay the information before the magistrate forthwith and before the trial of the accused commences arrange for the Pub Pros. conducting the prosecution.

In cases cognizable by the Police (of which there are few only affecting the public servants) the Superintendent of Police, or the officer in charge of the Dept Police may be asked to aid the Head of the other in getting the preliminary inquiry made.

Theft under s 381, Cam Criminal Breach of Trust under s 409, cheating under s 417 Forgery under s 465 - offences relating to weights & measures under Ch XVII of the IPCode are all non cognizable cases. Cases generally confined against public servants are those falling under one or other of the above sections

In the event of the Head of a Dept laying the complaint he will have to satisfy himself that the ordinary ingredients to constitute

* Glenn Sec 55 170, 171 230 et seq † 374 q the I Code

* the offence exist 261 726

Sessions Judge

Lieut Coll

Temporary Chief Engineer of Bangalore